

m/003/026



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

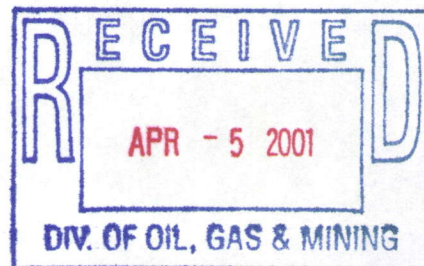
Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119

IN REPLY REFER TO:

3809  
U-77761  
(UT-023)

APR 04 2001

Certified Mail Number 7099 3220 0002 6605 7004  
Return Receipt Requested



### DECISION

Mr. Lon Thomas	:	
Star Stone Quarries, Inc.	:	43 CFR 3809
4040 South 300 West	:	Surface Management
Salt Lake City, UT 84107	:	Notice of Noncompliance

Notice of Noncompliance for Dumping Oil onto Public Lands and for Failure to Comply  
with Proposed Plan of Operations and Temporary Authorization in the Rosebud Mining Claim  
Area

On June 15, 2000 we received your incomplete Plan of Operations (Plan) to conduct quarrying and stockpiling operations on your White and Sage Green quarries located on the Rosebud #1 and #2 placer mining claims (UMC 354975-354976). Both quarries are located in the W $\frac{1}{2}$  of Section 14, T. 10 N., R. 16 W.

On October 11, 2000, while awaiting the receipt of sufficient information to complete the Plan, Star Stone Quarries, Inc. (SSQ) was given a temporary authorization to operate within the "footprint" of the existing Green Quarry. This interim authorization was intended to allow SSQ to operate until a complete Plan was received and subsequently approved by the Bureau of Land Management (BLM).

On March 30, 2001 an inspection of the Rosebud claim area was conducted by this office. During this inspection, it was revealed that SSQ has constructed an excavator loading ramp approximately 100 feet long by 30 feet wide at the south end of the claim area adjacent to the Emigrant Pass Road, has dumped a bucket of engine oil onto the ground along the main access road into the Green Quarry, and has erected a pit-type toilet (outhouse) in a location adjacent to the worker's trailers. In addition, SSQ has placed the worker's trailers and the fuel storage areas in a location not in conformance with the submitted mine Plan or temporary authorization. There is also an empty barrel of hydraulic fluid that has been placed outside of the retention tank area. This is not in compliance with SSQ's submitted Plan.

Your activities related to the construction of the unauthorized loading ramp, the dumping of engine oil onto the ground, the erection of the pit-type toilet (outhouse), and the mis-placement

of barrel of hydraulic fluid, the worker's trailers and the fuel storage area adjacent to the Green Quarry are causing unnecessary or undue degradation to Public Lands, for which you are hereby being issued a Notice of Noncompliance. Operators who have been issued a Notice of Noncompliance and fail to initiate the actions required to correct the noncompliance may be ordered to suspend all or part of their operation or may have their Plan revoked.

In order to remove yourself from Noncompliance status for activities on the Rosebud placer mining claims, within 30 days of receipt of this letter you must complete the following:

1. Excavate all of the soil that has been affected in any way by the engine oil spill and dispose of it in an appropriate waste facility or land fill, not on Public Lands.
2. Completely remove the pit-type toilet from the Rosebud mining claim area. The human waste within the earthen pit must be properly disposed of by pumping the fluids using an appropriate pumping service. Materials left after pumping must be excavated and disposed of at an appropriate facility pursuant to Box Elder County regulations. You must also submit to this office a receipt from the pumping service to verify that the pit was properly pumped. Before backfilling the pit, you must contact this office so that a field inspection of the site can be completed. You are not authorized to bury the solid human wastes on site or anywhere on Public Lands.
3. Rehabilitate the excavator loading ramp area adjacent to the Emigrant Pass Road. This would include pushing all of the excavated soil and rock material back into the road cut and recontouring the area so that it replicates the original topography. Between October 15 and November 30 of this year, you must revegetate the reclaimed excavator loading area using the following seed mixture:

<u>Common Name</u>	<u>lbs/acre</u>
Hycrest crested wheatgrass	0.75
Intermediate wheatgrass	1.00
Bluebunch wheatgrass	2.00
Orchard grass	0.50
Sandberg bluegrass	0.50
Basin wildrye	1.50
Ladak alfalfa	1.50
Yellow sweetclover	0.50
Palmer penstemon	0.50
Small burnet	2.00
Wyoming big sagebrush	0.10
Four-wing saltbush	1.50
Rubber rabbitbrush	0.25
Forage kochia	0.50
Bitterbrush	<u>1.00</u>
Total	13.1 lbs/acre



4. Move the fuel storage tank and retention tank to the area shown on your submitted Plan. Any soils that are affected by spillage of oil or other petroleum products during this move must be excavated and removed from the mining claim area as described in Item # 1 (above).
5. Any petroleum products including fuel, oil, hydraulic fluids, grease, etc. that are used in conjunction with your mining operation must be placed within the confines of the retention tank as outlined in your submitted Plan.
6. Move the trailers to the area shown on your submitted Plan. As described in your Plan, only two trailers are proposed to be placed in a designated area 50 feet long by 50 feet wide. Any additional trailers must be removed from the area in accordance with your submitted Plan.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the mining claim(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

/S/ MICHAEL G. NELSON

ACTING

for

Glenn A. Carpenter  
Field Office Manager

cc: D. Wayne Hedberg; Division of Oil, Gas and Mining  
Utah State Office (UT-93513)